

**General Docket  
Third Circuit Court of Appeals**

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**Court of Appeals Docket #:** 18-3150

**Docketed:** 09/28/2018  
**Termed:** 08/14/2019

**Nature of Suit:** 2895 Freedom of Information Act of 1974

Daniel Golden, et al v. New Jersey Institute of Techno, et al

**Appeal From:** United States District Court for the District of New Jersey

**Fee Status:** Paid

**Case Type Information:**

- 1) civil
- 2) United States as party
- 3) Attorney's fees

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**Originating Court Information:**

**District:** 0312-2 : [2-15-cv-08559](#)

**Court Reporter:** King Transcription

**Trial Judge:** Madeline C. Arleo, District Judge

**Date Filed:** 12/11/2015

**Date Order/Judgment:**

08/02/2018

**Date Order/Judgment EOD:**

08/02/2018

**Date NOA Filed:**

09/26/2018

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**Prior Cases:**

None

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**Current Cases:**

None

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DANIEL GOLDEN  
Plaintiff - Appellant

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v.

NEW JERSEY INSTITUTE OF TECHNOLOGY  
Defendant - Appellee

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CLARA WILLIAMS, In her capacity as Custodian of  
Records for the New Jersey Institute of Technology  
Defendant - Appellee

Gary Potters, Esq.  
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(see above)

v.

FEDERAL BUREAU OF INVESTIGATION  
Third Party - Non-Participating

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DANIEL GOLDEN; TRACY LOCKE,  
Appellants

v.

NEW JERSEY INSTITUTE OF TECHNOLOGY;  
CLARA WILLIAMS, In her capacity as Custodian of Records for the New Jersey Institute of Technology

v.

FEDERAL BUREAU OF INVESTIGATION

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09/28/2 018	 35 pg, 1.09 MB	CIVIL CASE DOCKETED. Notice filed by Appellants Daniel Golden and Tracy Locke in District Court No. 2-15-cv-08559. (MB) [Entered: 09/28/2018 09:02 AM]
09/28/2 018		RECORD available on District Court CM/ECF. (MB) [Entered: 09/28/2018 09:11 AM]
10/02/2 018	 1 pg, 45.59 KB	ECF FILER: ENTRY OF APPEARANCE from KatieLynn B Townsend on behalf of Appellant(s) Daniel Golden, Tracy Locke. [18-3150] (KBT) [Entered: 10/02/2018 12:01 PM]
10/09/2 018	 1 pg, 94.3 KB	ECF FILER: ENTRY OF APPEARANCE from Gary Potters, Esq. on behalf of Appellee(s) New Jersey Institute of Technology and Clara Williams. [18-3150]--[Edited 10/10/2018 by MB] (GP) [Entered: 10/09/2018 05:06 PM]
10/09/2 018	 2 pg, 134.99 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellees New Jersey Institute of Technology and Clara Williams, filed. [18-3150] (GP) [Entered: 10/09/2018 05:08 PM]
10/10/2 018	 2 pg, 1.45 MB	ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellants Daniel Golden and Tracy Locke, filed. [18-3150] (KBT) [Entered: 10/10/2018 11:10 AM]
10/10/2 018	 2 pg, 1009.87 KB	ECF FILER: DISCLOSURE STATEMENT on behalf of Appellants Daniel Golden and Tracy Locke, filed. [18-3150] (KBT) [Entered: 10/10/2018 11:11 AM]
10/10/2 018	 1 pg, 753.45 KB	ECF FILER: Transcript Purchase Order Form (Part 1) filed by Appellants Daniel Golden and Tracy Locke advising this court that transcripts are already on file in the District Court. [18-3150] (KBT) [Entered: 10/10/2018 11:13 AM]
10/10/2 018	 30 pg, 15.37 MB	ECF FILER: Concise Summary of the Case filed by Appellants Daniel Golden and Tracy Locke, received. [18-3150] (KBT) [Entered: 10/10/2018 11:14 AM]
10/11/2 018	 1 pg, 63.83 KB	ECF FILER: LETTER on behalf of the FBI advising it will not participate in this appeal, received. [18-3150]--[Edited 10/11/2018 by ARR] (KLV) [Entered: 10/11/2018 11:26 AM]
10/12/2 018	 0 pg, 0 KB	Notice to Counsel. <b>The attached document is restricted. To view document, click on the document number link in the NDA (Notice of Docket Activity). In order to access this document, you must be the attorney of record using your individual ECF login and password.</b> (TNH) [Entered: 10/12/2018 04:14 PM]
12/04/2 018	 3 pg, 133.73 KB	BRIEFING NOTICE ISSUED. Brief on behalf of Appellants Daniel Golden and Tracy Locke due on or before 01/14/2019. Appendix due on or before 01/14/2019. (NR) [Entered: 12/04/2018 11:56 AM]
12/04/2 018	 1 pg, 73.66 KB	ECF FILER: ENTRY OF APPEARANCE from Bruce S. Rosen, Esq. on behalf of Appellant(s) Daniel Golden and Tracy Locke. [18-3150] (BSR) [Entered: 12/04/2018 01:02 PM]
01/14/2 019	 372 pg, 33.15 MB	ECF FILER: ELECTRONIC JOINT APPENDIX on behalf of Appellants Daniel Golden and Tracy Locke, filed. Certificate of service dated 01/14/2019 by ECF. [18-3150] (KBT) [Entered: 01/14/2019 12:22 PM]
01/14/2 019	 59 pg, 416.01 KB	ECF FILER: ELECTRONIC BRIEF on behalf of Appellants Daniel Golden and Tracy Locke, filed. Certificate of Service dated 01/14/2019 by ECF. [18-3150] (KBT) [Entered: 01/14/2019 12:24 PM]

- 01/15/2019 HARD COPY RECEIVED from Appellants Daniel Golden and Tracy Locke - Brief with Volume I of Appendix attached. Copies: 7. (SJB) [Entered: 01/15/2019 10:23 AM]
- 01/15/2019 HARD COPY RECEIVED from Appellants Daniel Golden and Tracy Locke - Joint Appendix. Copies: 4. Volumes: 2 (Volume I attached to Brief). (MCW) [Entered: 01/17/2019 03:44 PM]
- 02/13/2019  64 pg, 313.61 KB ECF FILER: ELECTRONIC BRIEF on behalf of Appellees New Jersey Institute of Technology and Clara Williams, filed. Certificate of Service dated 02/13/2019 by ECF, US mail. [18-3150] - [Entry edited by the Clerk to reflect the correct event]--[Edited 02/14/2019 by MS] (GP) [Entered: 02/13/2019 11:24 AM]
- 02/14/2019 HARD COPY RECEIVED from Appellees New Jersey Institute of Technology and Clara Williams - Brief. Copies: 7. (SJB) [Entered: 02/14/2019 10:26 AM]
- 02/15/2019  3 pg, 167.77 KB ECF FILER: Request by Appellants Daniel Golden and Tracy Locke for Oral Argument. Certificate of Service dated 02/15/2019. Service made by ECF. [SEND TO MERITS PANEL] [18-3150] (KBT) [Entered: 02/15/2019 10:33 AM]
- 02/21/2019  2 pg, 124.9 KB ECF FILER: Request by Appellees New Jersey Institute of Technology and Clara Williams for Oral Argument. Certificate of Service dated 02/21/2019. Service made by ECF. [SEND TO MERITS PANEL] [18-3150] (GP) [Entered: 02/21/2019 12:32 PM]
- 03/06/2019  31 pg, 260.66 KB ECF FILER: ELECTRONIC REPLY BRIEF on behalf of Appellants Daniel Golden and Tracy Locke, filed. Certificate of Service dated 03/06/2019 by ECF. [18-3150] (KBT) [Entered: 03/06/2019 09:21 AM]
- 03/07/2019 HARD COPY RECEIVED from Appellants Daniel Golden and Tracy Locke - Reply Brief. Copies: 7. (KEL) [Entered: 03/07/2019 12:15 PM]
- 03/08/2019  2 pg, 10.63 KB NON COMPLIANCE Order issued to Appellants Daniel Golden and Tracy Locke regarding the reply brief filed on 03/06/2019. Please open the attachment for the full text of the Order. Compliance due by 03/11/2019. This Order does not change the deadline for filing the next brief. (MCW) [Entered: 03/08/2019 12:06 PM]
- 03/11/2019  6 pg, 107.18 KB ECF FILER: ELECTRONIC ADDENDUM to REPLY BRIEF on behalf of Appellants Daniel Golden and Tracy Locke. Certificate of Service dated 03/11/2019 by ECF. [18-3150][Edited docket text]--[Edited 03/13/2019 by MCW] (KBT) [Entered: 03/11/2019 08:57 AM]
- 03/12/2019 HARD COPY RECEIVED from Appellants Daniel Golden and Tracy Locke - Addendum to Reply Brief. Copies: 7. (SJB) [Entered: 03/12/2019 11:30 AM]
- 03/12/2019 COMPLIANCE RECEIVED. Addendum to Reply Brief in electronic and paper format received from Appellants Daniel Golden and Tracy Locke. (MCW) [Entered: 03/13/2019 12:51 PM]
- 03/19/2019 ECF FILER: LETTER from Attorney KatieLynn B. Townsend, Esq. for Appellants Daniel Golden and Tracy Locke. Counsel is unavailable for the following dates: 06/12/2019, 06/13/2019, 06/14/2019, [18-3150] (KBT) [Entered: 03/19/2019 11:08 AM]
- 03/19/2019  0 pg, 0 KB ECF FILER: LETTER from Attorney Gary Potters, Esq. for Appellees New Jersey Institute of Technology and Clara Williams. Counsel is unavailable for the following dates: 06/10/2019, 06/11/2019, 06/12/2019, 06/13/2019, 06/14/2019, 06/17/2019, 06/18/2019, 06/19/2019, 06/20/2019, and 06/21/2019. [18-3150] (GP) [Entered: 03/19/2019 12:19 PM]

- 04/09/2019 ECF FILER: LETTER from Attorney Gary Potters, Esq. for Appellees New Jersey Institute of Technology and Clara Williams. Counsel is unavailable for the following dates: 06/28/2019, [18-3150] (GP) [Entered: 04/09/2019 10:14 AM]
- 04/09/2019 ECF FILER: LETTER from Attorney KatieLynn B. Townsend, Esq. for Appellants Daniel Golden and Tracy Locke. Counsel is unavailable for the following dates: 06/24/2019, [18-3150] (KBT) [Entered: 04/09/2019 05:45 PM]
- 04/30/2019  2 pg, 21.52 KB Calendared for Thursday, June 27, 2019. (Rescheduled from Tuesday, 06/25/2019.) Calendar Clerk: TLG.--[Edited 06/13/2019 by TLG] (TLG) [Entered: 04/30/2019 01:24 PM]
- 04/30/2019  1 pg, 59.62 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney KatieLynn B. Townsend, Esq. for Appellants Daniel Golden and Tracy Locke. Certificate of Service dated 04/30/2019. Service made by ECF. [18-3150] (KBT) [Entered: 04/30/2019 02:44 PM]
- 04/30/2019  1 pg, 12.41 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Gary Potters, Esq. for Appellees New Jersey Institute of Technology and Clara Williams. Certificate of Service dated 04/30/2019. Service made by ECF. [18-3150] (GP) [Entered: 04/30/2019 03:55 PM]
- 06/13/2019  2 pg, 66.34 KB Oral Argument Notification for Thursday, 06/27/2019. Courtroom & Time: Maris Courtroom/9:30a.m.. Location: Philadelphia, PA. (TLG) [Entered: 06/13/2019 09:00 AM]
- 06/17/2019 ECF FILER: SUMMARY OF ORAL ARGUMENT submitted by Attorney KatieLynn B. Townsend, Esq. for Appellants Daniel Golden and Tracy Locke. Case Summary: Whether the district court erred in denying Appellants' motion for costs and attorneys' fees under New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq. and, specifically, the catalyst theory recognized by the New Jersey Supreme Court.. Post Video: YES. [18-3150] (KBT) [Entered: 06/17/2019 09:57 AM]
- 06/17/2019 ECF FILER: SUMMARY OF ORAL ARGUMENT submitted by Attorney Gary Potters, Esq. for Appellees New Jersey Institute of Technology and Clara Williams. Case Summary: District Court, and Magistrate Judge, properly held that Appellants failed to demonstrate entitlement to attorneys' fees under catalyst theory. Post Video: YES. [18-3150] (GP) [Entered: 06/17/2019 01:42 PM]
- 06/20/2019  1 pg, 61.93 KB CLERK'S LETTER to counsel written at the direction of the Court. Please be prepared to discuss the following information within this attached letter. (Please See Letter for Further Information.) (TLG) [Entered: 06/20/2019 02:09 PM]
- 06/27/2019  2 pg, 49.52 KB COURT MINUTES OF ARGUED/SUBMITTED CASES. [18-2972, 18-3150, 17-3176] (TLG) [Entered: 06/27/2019 08:22 AM]
- 06/27/2019 ARGUED on Thursday, June 27, 2019. Panel: SMITH, Chief Judge, CHAGARES and GREENAWAY Jr., Circuit Judges. Gary Potters arguing for Appellees New Jersey Institute of Technology and Clara Williams; KatieLynn B. Townsend arguing for Appellants Daniel Golden and Tracy Locke. (TLG) [Entered: 06/27/2019 09:58 AM]
- 08/14/2019  29 pg, 169.16 KB PRECEDENTIAL OPINION Coram: SMITH, Chief Judge, CHAGARES and GREENAWAY JR., Circuit Judges. Total Pages: 29. Judge: SMITH Authoring.--[Edited 08/14/2019 by MB] (MB) [Entered: 08/14/2019 08:10 AM]
- 08/14/2019  4 pg, 34.41 KB JUDGMENT, ADJUDGED and ORDERED that the judgment of the District Court entered August 2, 2018, be and the same is hereby REVERSED and the matter is REMANDED for

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further proceedings. Costs taxed against Appellees. (MB) [Entered: 08/14/2019 08:16 AM]

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